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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,735	08/13/2001	Ronald E. Sloan	60021.375702	1151

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[REDACTED] EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/929,735

Applicant(s)

SLOAN ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 April 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9 . | 6) <input type="checkbox"/> Other:   |

## DETAILED ACTION

### *Response to Amendment*

1. Pre-amendments B and C, paper numbers 7 and 10, received on 01/09/2002 and 12/17/2002 respectively are acknowledged and entered. Claims 1,3,4,5,6,7,8, 9,13, 14,15,16,17,18,19,20,21, and 22 have been amended. Currently claims 1-24 are pending for examination. However, objections are taken to the amendments to specification and to the numbering of claims and dependencies of dependent claims in pre-amendments B and C, as detailed below.

### *Objections*

2. The pre-amendment B filed 01/19/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: " Visual Basic Script, Shock Wave, Cold Fusion, etc." on page 45, line 9.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The numbering of claims in pre-amendment C, filed on 12/17/2002 is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning

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with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims are 3,4,5,6,7,8,13,14,15,16,17,18,19,21, 22 and have been renumbered 2,3,4,5,6,7,11,12,13,14,15,16,17,22, 23 respectively. Claims 8, 10, 18, 19, 21, 24 remain unaltered as originally filed. Also the claims 2-8, 10-16, and 18-24 are dependencies of claims 1, 9, and 17 respectively as per the originally filed application. Applicant is required to make necessary corrections. Further examination will be carried out as per renumbered claims and dependencies specified in the originally filed claims.

### *Drawings*

4. The drawings are objected to by the Draftsperson under 37 CFR 1.152 for the reasons indicated in the Form PTO 948 (Rev.03/01), enclosed. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-5, 8, 9-13, 16, 17-21, and 24 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Press release, "Kana and Weblne Team to Provide Industry's Most

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Comprehensive Online Customer Interaction Solution "; Business Wire; New York; Apr 20, 1999, pages 1-3, extracted on Internet from <http://proquest.umi.com> on 03/04/2003, hereinafter, referred to as Weblne.

With regards to method claims 1-5, and 8, Weblne teaches a method for providing a communication medium over a wide area network, including the Internet, for a financial modeling and counseling system comprising: providing automated financial coaching in a web-based environment; displaying to a user a plurality of communication options with a live advisor in said web page environment; and enabling a communication medium between said user and a live advisor based on the user selected communication option whereby said live advisor may provide live financial coaching in a collaborative medium for sharing data between said user and a live advisor upon the selection of a communication option from electronic mail, online chat, voice or talk with stand alone telephone options (see at least, page 2, lines 18-37, under the heads , " About the Weblne Solution", and "About Weblne Communications". Note: for further support to disclose that Trimark Investment Management, Inc. use Weblne Solution for coaching financial services, see Press release, " Weblne Communications' Products Selected By Trimark Investments To Increase Service On financial Adviser Web Site "; Business Wire; March 22, 1999, extracted on Internet from Dialog database on 02/26/2003).

With regards to system claims 9-13, and 16, and a computer program readable medium claims 17-21, and 24, their limitations correspond to the limitations of method claims 1-5, and 8 and are therefore analyzed and rejected using the same rationale.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7, 14-15, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webline and further in view of Schileru-Key (US Patent 6,388,688).

With regards to claims 6-7, Webline teaches a method for providing a communication medium over a wide area network, including the Internet, for a financial modeling and counseling system as disclosed and analyzed in claim 1, above. Webline further teaches live financial coaching in a collaborative medium for sharing data between said user and a live advisor upon the selection of a communication option through electronic mail, online chat, voice or talk options (see at least, page 2, lines 18-37, under the heads , " About the Webline Solution", and "About Webline Communications"). Webline does not show using communication options as video clips or streaming live video while interfacing with the customers on the Internet. However, in the same field of real interactive navigation via a network, Schileru-Key teaches the use of video clips and streaming live video (see at least col.4, lines 55-65, "*....In one embodiment, the sequence is video clip.....in some embodiments, the image sequences may be shown using streaming video* ") to provide an interactive navigation and exploration of real and virtual environments and to present auxiliary information related to points of interest (see at least col.1, line 55-col.2, line 15). In view of Schileru-Key, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Webline to incorporate the features of Schileru-Key of using video clips and streaming videos because to

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assist the users in interactive navigation of information being presented to them as explicitly disclosed in Schileru-Key (see at least col.1, line 55-col.2, line 15).

With regards to system claims 14-15, and a computer program readable medium claims 22-23, their limitations correspond to the limitations of method claims 6-7 and are therefore analyzed and rejected using the same rationale.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,370,355 to Ceretta et al. (see at least col.14, lines 7-15, col.17, lines 45-56) and US Pub 2002/0099613 to Swart et al. ( see at least, page 7, paragraph 0076) teach a system whereby an end user can access and engage into a live interactive chat in web-based environment and also teaching other communication options like e-mail, telephone, etc. via Internet or otherwise.

(ii) US Publications: 2002/0087496 et al. (see at least, page 1, paragraph 0003, pg.3, para 0028, page 9, para 0086, page 14, para 0126) and 2002/0046074 to Barton (see at least abstract, page 8, para 0150) teach a system whereby an end user can access and engage into a live interactive chat in web-based environment.

(iii) Campbell, Tricia, " Get plugged in: Service with a :-)" ; Sales and Marketing Management, New York; Mar 1999; pages 62-68, Vol.151, Issue 3, extracted on Internet from <http://proquest.umi.com> on 03/04/2003, press release, "Webline Communications Unveils New Customer Interaction Software Suite for Enabling Interactive E-Commerce and Customer Service"; Business Wire; New York; Aug 16, 1999, pages 1-4, extracted on Internet from

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<http://proquest.umi.com> on 03/04/2003, and press release, " Webline Communications' Products Selected By Trimark Investments To Increase Service On financial Adviser Web Site "; Business Wire; March 22, 1999, extracted on Internet from Dialog database on 02/26/2003 teach a system whereby an end user can access and engage into a live interactive chat in web-based environment and also teaching other communication options like e-mail, telephone, etc. via Internet or otherwise.

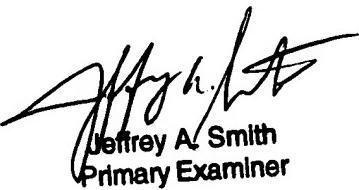
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg  
Examiner  
Art Unit 3625

YCG  
March 8, 2003

  
Jeffrey A. Smith  
Primary Examiner